

Message

From: Calli, Rosemary [Calli.Rosemary@epa.gov]
Sent: 9/23/2020 7:06:28 PM
To: kevincunniff@semtribe.com; Rachael Santana [rsantana@llw-law.com]; StacyMyers@semtribe.com
CC: Pugh, Katherine [Pugh.Katherine@epa.gov]; Laycock, Kelly [Laycock.Kelly@epa.gov]; McGill, Thomas [McGill.Thomas@epa.gov]; Creswell, Michael [Creswell.Michael@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]; Zimmerman, Eve [Zimmerman.Eve@epa.gov]; Jones, Aaryn [Jones.Aaryn@epa.gov]; Nagrani, Kavita [Nagrani.Kavita@epa.gov]; Clark, Maria [Clark.Maria@epa.gov]; Jaikaran, Bianca [Jaikaran.Bianca@epa.gov]
Subject: RE: FDEP 404 Program Application Publication in Federal Register and EPA Consultation

Kevin, thank you so much for the conversation and for providing this framework and points of contact for our communications. This is very helpful and I know that Mr. Kelly Laycock of my staff is already in communication with Mr. Myers and Ms. Santana regarding consultation. We are including all those addressed and cc'd on your message in the meeting scheduled for next Monday, 9/28.

From EPA Region 4, the following people will participate in next Monday's consultation meeting:

From the Office of the Regional Administrator:
Mary Walker, Regional Administrator
Blake Ashbee, Chief of Staff
Katie Pugh, Regional Indian Program Coordinator
Aaryn Jones, Special Assistant to the Regional Administrator

From the Region 4 Water Division:
Jeaneanne Gettle, Water Division Director
Tom McGill, Chief, Oceans, Wetlands, & Streams Protection Branch
Rosemary Calli, Chief, Wetlands & Streams Regulatory Section
Kelly Laycock, staff lead for Florida 404 assumption
Eve Zimmerman, Water Division Tribal Consultation Advisor

From the Office of Regional Counsel:
Leif Palmer, Regional Counsel
Mita Ghosh, Chief, Water Law Office
Matt Hicks, lead attorney for Florida 404 assumption
Michael Creswell, Water Law Office
Suzanne Armor, Regional Tribal Attorney
Kavita Nagrani, Water Law Office
Bianca Jaikaran, Water Law Office

From the Strategic Programs Office:
Ms. Maria Clark, NEPA Section

Thank you again, and we look forward to speaking with you on Monday,
Rosemary

Rosemary (Hall) Calli
Section Chief, Wetlands & Streams Regulatory Section
U.S. Environmental Protection Agency, Region IV

404.562.9846
Calli.Rosemary@epa.gov

From: Kevin Cunniff <kevincunniff@semtribe.com>

Sent: Sunday, September 20, 2020 11:24 AM

To: Rachael Santana <rsantana@llw-law.com>; Calli, Rosemary <Calli.Rosemary@epa.gov>

Cc: Anne Mullins <AnneMullins@semtribe.com>; Andrew Bowers <AndrewJBowers@semtribe.com>; Jordan Reichler <JordanReichler@semtribe.com>; Whitney Sapienza <WhitneySapienza@semtribe.com>; Stacy Myers <StacyMyers@semtribe.com>; Juan Cancel <JuanCancel@semtribe.com>; Bradley Mueller <bradleymueller@semtribe.com>; Michelle Diffenderfer <mdiffenderfer@llw-law.com>; Paul Backhouse <PaulBackhouse@semtribe.com>; Pugh, Katherine <Pugh.Katherine@epa.gov>; Jim Shore <JimShore@semtribe.com>

Subject: RE: FDEP 404 Program Application Publication in Federal Register and EPA Consultation

Good afternoon, Rachael and Rosemary, I appreciate all of the efforts to coordinate EPA consultation with the Seminole Tribe of Florida, as per general CWA and NHPA, regarding the state of Florida's request on 404 assumption. Rosemary, I further appreciate you reaching out to me, directly, and for our conversation Friday morning. There have been different lines of communications among EPA, LLW, and Tribal government staff, and I am seeking to align communications for current and future coordination and consultation.

Rosemary, as I briefly detailed to you this morning, the Tribe has given direction on the preferred manner of communications and points of contact within the established Heritage and Environment Resources Office (HERO) and constituent Departments (i.e., THPO, Ah-Tah-Thi-Ki Museum, and ERMD). Please note the attached memo for your reference. As such, we have sought to proceed with directing communications between designated federal liaisons and Mr. Stacy Myers, Senior Scientist/Liaison. There is an important caveat here in that there are situations where direct liaison-to-liaison communications protocol can deviate. Mr. Jim Shore, General Counsel, has directed instances where external legal counsel should take the lead on certain coordination, particularly where an attorney has been engaged in the manner that Rachael has with the 404 assumption, as an example. I also acknowledge that there are long-standing working relationships and communications pathways at the staff level. Ultimately, the intent is not to stifle day-to-day communications, but rather to ensure that government-to-government communications, such as a formal consultation request, proceeds as preferred by the Tribe. Therefore, please ask your team to include Stacy Myers and Rachael Santana in upcoming communications regarding this consultation.

Lastly, as we had discussed and for your convenience, please include all addressed and cc'd within this email for the upcoming government-to-government consultation invitation, which includes Mr. Shore and Mr. Andrew J. Bowers, Executive Director of Operations. The Tribe would also respectfully request that Ms. Katie Pugh be included in the meeting, please.

Thanks very much, Rosemary, on behalf of the Tribe and team here, we look forward to engaging EPA on the upcoming consultation.

-Kevin

Kevin M. Cunniff, Director
Environmental Resource Management Department
Seminole Tribe of Florida

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kevincunniff@semtribe.com

From: Rachael Santana

Sent: Tuesday, September 15, 2020 12:51 PM

To: 'Anne Mullins' <AnneMullins@semtribe.com>; 'Paul Backhouse' <PaulBackhouse@semtribe.com>; 'Kevin Cunniff' <kevincunniff@semtribe.com>

Cc: 'Jim Shore' <JimShore@semtribe.com>; 'Agnes Motlow' <AMotlow@semtribe.com>; 'Andrew Bowers' <AndrewJBowers@semtribe.com>; 'Jordan Reichler' <JordanReichler@semtribe.com>; 'Whitney Sapienza'

<WhitneySapienza@semtribe.com>; 'Stacy Myers' <StacyMyers@semtribe.com>; 'Juan Cancel'
<JuanCancel@semtribe.com>; 'Bradley Mueller' <bradleymueller@semtribe.com>; Michelle Diffenderfer
<mdiffenderfer@llw-law.com>; Brandy Pennington <bpennington@llw-law.com>

Subject: Request for Dates for Pre-Consultation Internal Meeting on FDEP 404 Program Application

Good afternoon Paul, Kevin, and Anne,

I followed up with Mr. Laycock at EPA again today in the hopes of getting a time certain for EPA Consultation on Monday the 28th for the Florida 404 Program assumption application. I will be sending a hold for that day for everyone's calendars until I hear back from him so that we don't get booked up.

Regards,

Rachael B. Santana | Attorney
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